IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 23499 of 2007(V)

PETITIONERS:

1. MUSTHAFA V.K.,
UPPER PRIMARY SCHOOL ASSISTANT, A.K.M.HIGH SCHOOL,
KOTTOOR, KOTTAKKAL, MALAPPURAM DISTRICT.

2. ANEES REHMAN,
UPPER PRIMARY SCHOOL ASSISTANT, A.K.M.HIGH SCHOOL,
KOTTOOR, KOTTAKKAL, MALAPPURAM DISTRICT.

3. SAJINI E.P.,
UPPER PRIMARY SCHOOL ASSISTANT, A.K.M.HIGH SCHOOL,
KOTTOOR, KOTTAKKAL, MALAPPURAM DISTRICT.

4. UNNIKRISHNAN NAMBISAN A.,
UPPER PRIMARY SCHOOL ASSISTANT, A.K.M.HIGH SCHOOL,
KOTTOOR, KOTTAKKAL, MALAPPURAM DISTRICT.

5. MUHAMMED RASHID P.,
UPPER PRIMARY SCHOOL ASSISTANT, A.K.M.HIGH SCHOOL,
KOTTOOR, KOTTAKKAL, MALAPPURAM DISTRICT.

6. SUDEV THOTTATHIL,
UPPER PRIMARY SCHOOL ASSISTANT, A.K.M.HIGH SCHOOL,
KOTTOOR, KOTTAKKAL, MALAPPURAM DISTRICT.

7. NISHA P.,
UPPER PRIMARY SCHOOL ASSISTANT, A.K.M.HIGH SCHOOL,
KOTTOOR, KOTTAKKAL, MALAPPURAM DISTRICT.

8. DINESH KUMAR V.,
UPPER PRIMARY SCHOOL ASSISTANT, A.K.M.HIGH SCHOOL,
KOTTOOR, KOTTAKKAL, MALAPPURAM DISTRICT.

9. PATHUMMOL K.T.,
UPPER PRIMARY SCHOOL ASSISTANT, A.K.M.HIGH SCHOOL,
KOTTOOR, KOTTAKKAL, MALAPPURAM DISTRICT.

10. REJITH P.,
HIGH SCHOOL ASSISTANT (ENGLISH), A.K.M.HIGH SCHOOL
KOTTOOR, KOTTAKKAL, MALAPPURAM DISTRICT.

11. ABDUL KARIM K.,
HIGH SCHOOL ASSISTANT(SOCIAL STUDIES),
A.K.M. HIGH SCHOOL, KOTTOOR, KOTTAKKAL,
MALAPPURAM DISTRICT.

12. SAREEMAMOL T.,
HIGH SCHOOL ASSISTANT (HINDI),A.K.M. HIGH SCHOOL,
KOTTOOR, KOTTAKKAL, MALAPPURAM DISTRICT.

13. SULTAN ALAUDDIN P.K.,
HIGH SCHOOL ASSISTANT (PHYSICAL SCIENCE),
A.K.M. HIGH SCHOOL, KOTTOOR, KOTTAKKAL,
MALAPPURAM DISTRICT.

14. MUHAMMED RAFI T.,
HIGH SCHOOL ASSISTANT (MALAYALAM),
A.K.M. HIGH SCHOOL, KOTTOOR, KOTTAKKAL,
MALAPPURAM DISTRICT.

15. ABDUL JALIL K.,
HIGH SCHOOL ASSISTANT (ARABIC),
A.K.M. HIGH SCHOOL, KOTTOOR, KOTTAKKAL,
MALAPPURAM DISTRICT.

16. SHAJI C.K.,
HIGH SCHOOL ASSISTANT (MATHS),A.K.M. HIGH SCHOOL,
KOTTOOR, KOTTAKKAL, MALAPPURAM DISTRICT.

17. JOSE ANTONY,
HIGH SCHOOL ASSISTANT (SOCIAL STUDIES),
A.K.M. HIGH SCHOOL, KOTTOOR, KOTTAKKAL,
MALAPPURAM DISTRICT.

18. NISHA P.O.,
HIGH SCHOOL ASSISTANT (ENGLISH),
A.K.M. HIGH SCHOOL, KOTTOOR, KOTTAKKAL,
MALAPPURAM DISTRICT.

19. ABDUSSALIH M.P.,
HIGH SCHOOL ASSISTANT (MATHS),A.K.M. HIGH SCHOOL,
KOTTOOR, KOTTAKKAL, MALAPPURAM DISTRICT.

20. BAVITHA.B.NAIR,
HIGH SCHOOL ASSISTANT (ENGLISH),
A.K.M. HIGH SCHOOL, KOTTOOR, KOTTAKKAL,
MALAPPURAM DISTRICT.

21. HARINARAYANAN.K.T.,
HIGH SCHOOL ASSISTANT (ENGLISH),
A.K.M. HIGH SCHOOL, KOTTOOR, KOTTAKKAL,
MALAPPURAM DISTRICT.

BY ADV. SRI.GEORGE ABRAHAM

RESPONDENTS:

1. THE DISTRICT EDUCATIONAL OFFICER,
MALAPPURAM.

2. THE DEPUTY DIRECTOR OF EDUCATION,
MALAPPURAM.

3. DIRECTOR OF PUBLIC INSTRUCTRUCTIONS,
THIRUVANANTHAPURAM.

4. STATE OF KERALA REPRESENTED BY THE
SECRETARY TO GOVERNMENT, GENERAL EDUCATION
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

5. MANAGER, A.K.M HIGH SCHOOL,
KOTTOOR, KOTTAKKAL, MALAPPURAM DISTRICT.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.23499 OF 2007

Dated this the 8th day of August, 2007

JUDGMENT

Petitioners are stated to be working as Upper Primary School Assistants and High School Assistants in AKM High School, Kottoor at Kottakkal in Malappuram district. Their grievance is that their appointments are not being approved for the reason that the management had failed to appoint protected teachers after up-gradation of the school. It appears that the school in question was started as Upper Primary School in the year 1979-1980. Later, the Government had accorded sanction to upgrade the school as High School by order dated June 9, 2003. A copy of the said order issued by the Government is on record as Ext.P1. It is the case of the petitioners that various divisions in different standards were started thereafter during succeeding academic years. All the petitioners were appointed as UPSA/HSA in June 2006. However, the proposal for approval of their appointments was declined by the controlling officer

in July 2007. The orders passed by the Controlling Officer have been produced. The Controlling Officer took the view that petitioners' appointments cannot be approved, since the manager had failed to appoint protected teachers in the newly upgraded school. Certain other grounds were also raised in some of the impugned orders.

2. I do not propose to deal with any of the contentions raised by the petitioners at this stage, in view of the limited prayer made by the learned counsel for the petitioners at the Bar. He submits that petitioners have submitted P56 revision petition highlighting all the relevant aspects of the issue before the Government. Similarly, the Manager has also submitted Ext.P55 representation. The limited prayer is to issue a direction to respondent no.4 to take a decision on those petitions. Learned Government Pleader submits that Exts.P55 and P56 do not indicate the correct address of the signatories. Anyhow, if those representations have been submitted, the Government will take a decision thereon.

3. In the above facts and circumstances, the writ petition is disposed of with a direction to respondent no.4 to consider and pass orders on Exts.P55 and P56 strictly on their merit and in accordance with law as expeditiously as possible, at any rate, within four months from the date of receipt of a copy of this judgment. Respondent no.4 shall ensure that an authorised representative of the petitioners and the manager of the school are afforded sufficient opportunity to be heard before any decision is taken in the matter. Petitioners shall produce a copy of the writ petition along with a certified copy of the judgment before respondent no.4 for compliance.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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